

Application No. 10/729,485
Response dated April 26, 2006
Reply to Office Action of January 27, 2006

Remarks

Claims 1-33 are pending in the instant application. Accordingly, claims 1-33 form the subject matter of this response. Independent claims 1, 18, and 26 have been amended to clarify the invention. Reconsideration of the present application in view of the amendments and the following remarks is respectfully requested.

Rejections Under 35 U.S.C. § 112

Claims 6, 7, 13, 15, 20, 23, 25, 29, 31, and 32 are not indefinite.

By way of the Office Action mailed January 27, 2006, the Examiner rejects claims 6, 7, 13, 15, 20, 23, 25, 29, 31, and 32 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully **traversed**.

These claims must be viewed in light of the independent claims from which they depend and thus are not equivalent to a type of "material that stretches" claim seen in a vacuum as in the example and citation promulgated by the Examiner. Significant structural subject matter is claimed and each claim term is well-defined in the specification. For example, the appropriate materials for and the stretchability of the suspension members are discussed on pages 28-30 of the instant application. Likewise, the appropriate materials for and the stretchability of the outercover are discussed on pages 12-16 of the instant application. Similarly, the appropriate materials for and the stretchability of the bodyside liner are discussed on pages 16-18 of the instant application. Given the structural and degree limitations present in the specification, one of ordinary skill in the art would be apprised of the scope of these claims.

For at least the reasons set forth above, Applicants respectfully request that all the rejections under 35 U.S.C. § 112 be withdrawn.

Rejections Under 35 U.S.C. § 102

Van Gompel '701 does not disclose each and every element of the claimed invention.

By way of the Office Action mailed January 27, 2006, the Examiner rejects claims 1-5, 8, 9, 11, 12, 16-19, 22, and 26-28 under 35 U.S.C. § 102(b) as allegedly being anticipated and thus

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unpatentable over U.S. Patent No. 6,193,701, issued February 27, 2001 to Van Gompel et al. (hereinafter "Van Gompel '701"). This rejection is respectfully **traversed**.

Van Gompel '701 is directed to a personal care article having zones with different resistance to stretch. Independent claim 1 of the present invention is directed to an absorbent article including, *inter alia*, a first elastomeric suspension member disposed only in said front waist region and attached to said absorbent body in said front waist region; and a second elastomeric suspension member attached to said absorbent body in said back waist region; wherein said first elastomeric suspension member is sandwiched between said outercover and said bodyside liner in said pair of side seams in said front waist region, and wherein said second elastomeric suspension member is sandwiched between said outercover and said bodyside liner in said pair of side seams in said back waist region.

Applicants assert that Van Gompel '701 fails to disclose the arrangement of elastomeric suspension members as required by claim 1. Specifically, Van Gompel '701 does not disclose a first elastomeric suspension member that is "disposed only in said front waist region and attached to said absorbent body in said front waist region." On pages 4-5 of the Office Action mailed January 27, 2006, the Examiner asserts that backsheet 64 and elastic element 71 of Van Gompel '701 disclose the first and second elastomeric suspension members. Nonetheless, inspection of the relationship of these elements of Van Gompel '701 reveals that elements 64 and 71, together or separately, are not disposed only in a front waste region. Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over Van Gompel '701. Moreover, claims 2-17, which all eventually depend from claim 1, are also accordingly patentable over Van Gompel '701.

Similarly, independent claim 18 of the present invention is directed to a disposable absorbent article including, *inter alia*, a first elastomeric suspension member disposed only in said front waist region and attached to said absorbent assembly in said front waist region; and a second elastomeric suspension member attached to said absorbent assembly in said back waist region.

Applicants assert that Van Gompel '701 fails to disclose the arrangement of elastomeric suspension members as required by claim 18. Specifically, Van Gompel '701 does not disclose a first elastomeric suspension member that is "disposed only in said front waist region and attached to said absorbent assembly in said front waist region." On pages 4-5 of the Office Action mailed January 27, 2006, the Examiner asserts that backsheet 64 and elastic element 71 of Van Gompel

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'701 disclose the first and second elastomeric suspension members. Nonetheless, inspection of the relationship of these elements of Van Gompel '701 reveals that elements 64 and 71, together or separately, are not disposed only in a front waste region. Accordingly, for at least these reasons, Applicants respectfully submit that claim 18 is patentable over Van Gompel '701. Moreover, claims 19-25, which all eventually depend from claim 18, are also accordingly patentable over Van Gompel '701.

Similarly, independent claim 26 of the present invention is directed to a disposable absorbent article including, *inter alia*, at least one elastomeric suspension member attached to each of said absorbent side edges in said front waist region, wherein said at least one elastomeric suspension member is disposed only in said front waist region and is sandwiched between said outercover and said bodyside liner in said front waist seam; and at least one elastomeric suspension member attached to each of said absorbent side edges in said rear waist region, wherein said at least one elastomeric suspension member is sandwiched between said outercover and said bodyside liner in said back waist seam.

Applicants assert that Van Gompel '701 fails to disclose the arrangement of elastomeric suspension members as required by claim 26. Specifically, Van Gompel '701 does not disclose at least one elastomeric suspension member that is "attached to each of said absorbent side edges in said front waist region, wherein said at least one elastomeric suspension member is disposed only in said front waist region." On pages 4-5 of the Office Action mailed January 27, 2006, the Examiner asserts that backsheet 64 and elastic element 71 of Van Gompel '701 disclose the first and second elastomeric suspension members. Nonetheless, inspection of the relationship of these elements of Van Gompel '701 reveals that elements 64 and 71, together or separately, are not disposed only in a front waste region. Accordingly, for at least these reasons, Applicants respectfully submit that claim 26 is patentable over Van Gompel '701. Moreover, claims 27-33, which all eventually depend from claim 26, are also accordingly patentable over Van Gompel '701.

With respect to claims 16, 18, and 27, it is unclear where and how Van Gompel '701 discloses an absorbent body is configured to float between the outer cover and the bodyside liner. Clarification by the Examiner is requested.

With respect to claim 2, it is unclear where and how Van Gompel '701 discloses suspension members with widths substantially equal to the widths of the front and back waist regions.

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Clarification by the Examiner is requested as it appears that the right and left suspension members as defined by the Examiner are significantly narrower than either waist region.

With respect to claim 17, it is unclear where and how Van Gompel '701 discloses an absorbent body disposed toward the inner surface relative to the suspension members. Clarification by the Examiner is requested as it appears from Figure 2 that the absorbent body is disposed toward the outer cover relative to the suspension members as defined by the Examiner.

For at least the reasons set forth above, Applicants respectfully request that all the rejections under 35 U.S.C. § 102 be withdrawn.

In conclusion, and in view of the above amendments and remarks, reexamination, reconsideration and withdrawal of the rejections of the claims are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in condition for allowance and such action is earnestly solicited. If the Examiner has any questions or if there are any remaining issues that can be handled by telephone, the Examiner is invited to contact the undersigned at (920) 721-8863.

Please charge any fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

Cynthia L. Wyngaard

By: 

Randall W. Fieldhack
Registration No.: 43,611
Attorney for Applicant(s)

CERTIFICATE OF FACSIMILE

I, Mary L. Roberts, hereby certify that on April 26, 2006, this document is being transmitted via facsimile to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, to facsimile number (571) 273-8300.

By: 

Mary L. Roberts